

# NATIONAL CANNERS ASSOCIATION

## Information Letter

FOR N. C. A. MEMBERS

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### Duty on Imported Pineapple

Customs duty on slices and chunks of pineapple put up in tins containing water is assessable on the weight of the pineapple only, according to a decision of the U. S. Court of Customs Appeals which reverses the Board of General Appraisers.

Pineapple imported from Singapore was assessed for duty by the collector at 2 cents per pound on the weight of the pineapple and water combined. The importer filed a protest, maintaining that the water surrounding the pineapple should not have been included in the dutiable weight, as the pineapple in question was used only for making glaze fruits and was bought and sold on the basis of the net weight of the pineapple, and as the water has no commercial value and is thrown away. This protest was overruled by the Board of General Appraisers, which is now reversed by the Customs Court.

Associate Judge Smith in his decision referred to an earlier case involving peas, beans and mushrooms, stating:

"In that case the peas, beans and mushrooms put up in water in tins were treated by the trade and sold to the consumer as entreties. In this case the pineapples are not so regarded by the trade and they never reach the consumer in that form."

### Meeting of Board of Directors

The Association's Board of Directors will meet in Washington May 26, and there promises to be an excellent attendance of directors from all parts of the country. A number of important matters will come before the Board, including the budget for the coming year's work. Secretary Jardine of the U. S. Department of Agriculture will make an informal address to the directors.

### Preserved Sea Food as Goiter Preventative

The U. S. Bureau of Fisheries has recently published in pamphlet form the results of its study of the iodine content of preserved sea foods, which show that preserved sea foods contain iodine in quantities comparable to those of fresh fish, that fish roe are especially rich in iodine, and that liquors from canned shellfish likewise contain large amounts.

The importance of these findings lies in the fact that in localities where foods and drinking water do not contain sufficient iodine to supply the proper amount to the body, goiter and other diseases of the thyroid gland usually are prevalent. Fish, especially marine fish and shellfish, contain larger amounts of iodine than do most other foods, but marine fish in fresh condition are difficult to obtain in the inland localities where goiter is prevalent.

As much of the sea food consumed in these regions has been preserved by canning, salting or smoking, the Fisheries Bureau sought to ascertain whether these preserved products contain iodine in quantities comparable to fresh fish.

The results above summarized will be of interest to the sea food branch of the canning industry, as they constitute another reason for a large consumption of canned fish and shellfish. Copies of the pamphlet containing the analyses (Fisheries Document No. 979) may be obtained by addressing the National Cannery Association at Washington.

### New Law Governing Canneries in California

The California legislature has passed, and there is now before the governor for his approval, an act providing for the licensing of commercial canneries and for a Division of Cannery Inspection to carry out rules and regulations issued by the State Board of Health.

The text of the act as passed by the legislature follows:

"Section 1. It shall be unlawful for any person, firm, company, organization, association or corporation in the State of California, to engage in the commercial canning of any agricultural food products, the sterilization of which in the opinion of the California State Board of Health requires the use of a pressure cooker, without first obtaining a license from the said State Board of Health.

"Section 2. The said State Board of Health shall issue to any person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of ten (10) dollars per annum, per plant, and such evidence as the Board may require to show that the said person,

firm, company, organization, association or corporation is properly equipped to carry out such rules and regulations as the State Board of Health may adopt for the sterilization of such agricultural food products. All money received by the said State Board of Health for fees shall be deposited to the credit of the cannery inspection fund, which fund is hereby created to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the said State Board of Health. One thousand dollars of the cannery inspection fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

"Section 3. For the purpose of enforcing the rules and regulations of the State Board of Health and the provisions of the Pure Foods Act relating to the canning of such agricultural food products, the State Board of Health shall appoint a chief cannery inspector, and such additional inspectors and clerical assistance as it may deem necessary for the enforcement of its rules and regulations.

"Section 4. Said Board of Health shall have power to receive and accept at any time by gift, donation, contribution or bequest money to be used for the purpose of making or causing to be made the examinations and inspections herein provided for, and all moneys so received shall be used or kept by said Board to be used for said purpose exclusively.

"Section 5. It shall be unlawful for any person, firm, company, organization, association, or corporation to place upon the label of any bottle, can, jar, carton, case, box, or barrel, or any receptacle, vessel or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber or dealer for enclosing any such canned agricultural products, any statement relative to the product having been inspected, unless such statement has been approved, officially in writing, by the State Board of Health. Said approval shall be revocable at any time at the discretion of the State Board of Health, upon official written notice.

"Section 6. Any person, firm, company, organization, association or corporation, which does not obtain a license for the conduct of its plant or plants under the provisions of this act, or which violates Section 5 of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars, or more than five hundred (500) dollars, or shall be imprisoned in the county jail for a term not exceeding six months.

"Section 7. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute every person, firm, company, organization or corporation accused of such violation.

"Section 8. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled, 'An Act for Preventing the Manufacture, Sale or Transportation of Adulterated, Mislabeled or Misbranded Foods and Liquors and Regulating the Traffic Therein, Providing Penalties, Establishing a State Laboratory for Foods, Liquors and Drugs and Making an Appropriation Therefor' approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act.

"Section 9. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional."

#### **Car Loadings Make Record For Year**

With increases over the previous week for all commodities except of live stock, coke and miscellaneous freight, which showed slight decreases, loading of revenue freight for the week ended on May 2 totaled 981,711 cars, according to the American Railway Association. This was the largest number of cars loaded with revenue freight during any one week so far this year, exceeding the preceding week by 22,486 cars. It also exceeded by 68,161 cars, the corresponding week last year and by 20,094 cars, the corresponding week in 1923. It also was considerably in excess of the corresponding weeks in 1920, 1921 and 1922.

#### **Navy in Market for Pineapple and Raisins**

The Navy Department is asking for bids to be opened June 9, on canned pineapple (schedule 3715) and canned raisins (schedule 3750). Copies of the specifications and of the schedules for submitting bids may be obtained upon application to the supply office of any Navy Yard, the Navy Purchasing Offices, New York, N. Y., and San Francisco, Calif., or to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

### **Dismisses Complaint Against Grocers Association**

The Federal Trade Commission has dismissed its complaint against the Michigan Wholesale Grocers Association, its officers, executive committee, and members, of Bay City, Michigan, for failure of proof. The respondents were charged in the complaint with using coercive methods in attempting to force manufacturers into guarantees against price decline.

### **Customs Duty on Grape Sugar or Grape Syrup**

The U. S. Court of Customs Appeals, in reversing a judgment of the Board of General Appraisers, sustains a collector of customs who assessed imported grape sugar or grape syrup at 70 cents a gallon and in addition \$5 per proof gallon of alcohol on the assumption that 46½ per cent of alcohol could be produced therefrom. The importer protested against the latter additional duty and his protest was sustained by the Board of General Appraisers, which is now reversed by the Customs Court of Appeals.

### **When Does Your Trade-Mark Expire?**

Under the provisions of the Trade-Mark Act of February 1905, a certificate of registration remains in force for a period of 20 years. Accordingly, trade-marks registered during the year 1905 will expire in 1925.

Certificates of registration may be renewed for a like period on payment of the renewal fee, which is \$10, upon a request by the registrant, his legal representative, or transferees of record in the Patent Office. Such request may be made at any time not more than six months prior to the expiration of the registration.

The Act of 1905 superseded an earlier law (the Act of 1881) which provided for a registration period of 30 years. Registrations under the Act of 1881 may be renewed under the Act of 1905.

If the application for renewal of trade-mark registration is not filed before the registration expires, a new application must be filed to secure protection for the trade-mark. Otherwise, the mark can not be protected except under the common law.

### **Community Canning Plants Being Established in Indiana**

Twenty-one community canning plants, it is announced, are being established by the Indiana Canning Crops Exchange, Indianapolis, to handle a part of the 1925 tomato crop. Equipment for the plants is being furnished by the State Exchange but the operation will be in the hands of the local associations. The output of the community plants will be marketed through the Indianapolis office of the Indiana Farm Bureau Federation.

It is estimated that each community plant will serve from 6 to 20 farmers and that these plants will have a daily capacity of two-thirds of a carload each. It is expected that the State Farm Bureau will finance the canning operations.

The State Exchange, in addition to promoting community plants, has entered into a contract with 20 commercial canning companies for receiving and buying the tomatoes grown by the members of its local associations during the canning season.

The Indiana Canning Crops Exchange is the overhead organization for 35 incorporated local associations. Each local selects a representative for each 100 members or major fraction thereof and these representatives become attorneys-in-fact for the locals and trustees of the state exchange. An executive committee of five is selected by the trustees to manage the exchange.

Marketing contracts running to the local associations have been signed by the tomato growers. This marketing contract covers the canning crops grown during the years 1924-1928 and provides that the members shall deliver such crops for sale through the exchange. The contract further provides "that the association shall pool, or mingle, with products of like variety, grade and quality delivered during the crop season, and each pool shall cover the deliveries of the entire crop season as determined by the association."

#### **Alabama Court Upholds Cooperative Contract**

The legality and constitutionality of the Alabama cooperative marketing law has been upheld in a decision handed down by the Supreme Court of Alabama. In the decision the cotton marketing contract of the Alabama Farm Bureau Cotton Association was upheld. Judge Sommerville in giving the decision said:

"So far as we are advised, no American court has condemned a cooperative marketing contract of the character of this complainant association as injurious to the public interest, in any way violative of public policy. On the contrary, such contracts have been everywhere upheld as valid, if not positively beneficial to the public interest."

#### **The Service of Advertising**

"No matter how fine an addition to human comfort or pleasure a given article or service may be," said Secretary Hoover in a recent address to the Associated Advertising Clubs of the World, "unless there is a diffusion of knowledge and information with respect to it, it will not itself become quickly accepted and incorporated into our standards of living."



"These standards of living are sort of built up in layers," he continued. "The lower layers are the plainest—food, clothing and shelter. Primeval nature stirs up enough emotions through hunger, cold and storms to keep 'desire' vividly active in this end of the scale of living. But the moment we have gone beyond this stimulus the advertiser has full swing in stimulating 'desire' for better food, better clothing, better shelter, better entertainment and so on over the whole range of the ten thousand and one things that go to make up superimposed layers of rising living standards."

### **Canned Foods Week**

Owing to the fact that returns from the canvass for Canned Foods Week pledges have been somewhat delayed, and that the reports are not yet complete, consideration of the question of continuing the Week has been deferred until the meeting of the Board of Directors on May 26.

### **Use of Sulphur Dioxide Should be Declared on Labels**

Action under the Federal food and drugs act will be instituted against food and beverage products containing sulphur dioxide and sulphites which are not labeled with a plain and conspicuous declaration of the presence of these substances, according to an announcement by the Bureau of Chemistry, Department of Agriculture, which is charged with enforcement of the Act.

### **Vegetable Seed Treatment**

Many canners have expressed interest in the new organic mercury compounds, such as Uspulun, Semesan, and others which are being recommended by their manufacturers as of great value in treating vegetable seeds. The principal claims made for these preparations are control of seed-borne diseases, improved germination, and stimulation of seedling vigor.

From the canner's standpoint the practical value of these treatments must be considered to be still distinctly in the experimental stage. It would seem reasonable to suppose that the treatments are most likely to prove of value in connection with seed of those crops the production of which is oftenest cut by the presence of seed-borne plant disease organisms.

From unpublished results secured by the Department of Agriculture in studying the effect of treatment on seed-borne diseases of field corn there is some reason to believe that under certain conditions the treatment may be advantageously applied

to sweet corn seed. The Department of Agriculture has broad-tests, while the pathologists of the U. S. Department of Agriculture of the treatment of sweet corn seed. Cooperation of a number of interested canners has been secured in making field tests, while the pathologists of the U. S. Department of Agriculture in Illinois and Indiana are assisting in seed treatment and are also conducting carefully controlled field experiments under their own supervision.

The treatments are in no sense a substitute for good seed. If the seed is healthy and free from disease organisms there is reason to question whether the treatment will result in any advantage. The fact that sweet corn is more likely to be infected with seed-borne disease organisms than seed of other vegetable crops used by the canners makes it seem that if the new seed treatments do prove themselves of value it is more likely to be in connection with the corn crop than with such seed as peas and tomatoes.

The Raw Products Bureau is following the work which is in progress, and has been instrumental in causing additional research to be undertaken. It is hoped that more definite information on the value of seed treatments will be available with the completion of this season's tests.

#### Labeling of Canned Salmon

Respecting the present status of Food Inspection Decision 105, published in 1909, holding that canned salmon should be labeled with one of the common names of the species, the Bureau of Chemistry has advised the National Canners Association:

"When this decision was issued it was undoubtedly the Department's belief on the facts at hand that this requirement could be imposed under the terms of the food and drugs act. The interpretation of the law by the courts since this decision was issued, however, has led the Department to view it at the present time as advisory rather than mandatory. While it is desirable that the species of fish be named on the label, there is no provision of the law as it is now interpreted by the Department whereby such a label can be required. However, as you are aware, any statement made on the label, by invoice or otherwise in connection with the sale of salmon should be true to fact and should not be false or misleading in any particular. The failure of the label to bear a statement of the species would not relieve a vendor from prosecution if the fish were represented at the time of sale to be of some other species than what they actually were."